

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
 v.) 1:20CR340-3
)
ERIC ALEXANDER MCMILLER)

ORDER

On January 26, 2021, Defendant Eric Alexander McMiller appeared for an initial appearance and release hearing before United States Magistrate Judge Heather K. McShain for the Northern District of Illinois, Case No. 1:21cr51-1, at which time Defendant was released pursuant to an Order Setting Conditions of Release. (See Doc. 34; 1/27/2021, filed in the Middle District of North Carolina, Case No. 1:20cr340-3.) On September 23, 2021, Defendant McMiller subsequently entered a plea of guilty to Counts One, Five, Ten, and Eleven of the Superseding Indictment and was allowed to remain on bond. (See Minute Entry 9/23/2021.)

On December 16, 2021, this court rescheduled Defendant's sentencing hearing to January 21, 2022 at 9:30 a.m. and notice was served on the parties. (Doc. 111.) On January 13, 2022, Defendant moved to continue the hearing until on or after 11:30 a.m. on January 21, 2022. (Doc. 118.) On January 20, 2022, this

court granted Defendant's motion and reset the sentencing for 11:30 with a clear warning to Defendant. (Doc. 122 at 2-3.)

Notwithstanding this warning, Defendant was not present at 11:30. This court proceeded with the sentencing hearing as to the two co-defendants. Defendant appeared around 1:00 p.m. This court recessed the hearing as to the two co-defendants and proceeded with a part of Defendant's hearing. The hearing resumed as to all three Defendants later that day.

At the conclusion of the hearing on January 21, 2022, this court found that Defendant had failed to appear as ordered and remanded Defendant to custody. This court set a hearing on Defendant's continuing release for January 25, 2022 at 9:30 a.m. The Defendant and Government appeared; the Government opposed Defendant's release. After hearing from the parties, this court finds Defendant failed to appear as directed by this court. For the reasons stated in open court, this court finds Defendant failed to establish, by clear and convincing evidence, that Defendant is not likely to flee. See 18 U.S.C. § 3143(a).

IT IS THEREFORE ORDERED that the present conditions of Defendant's pretrial release are hereby revoked and Defendant McMiller is committed to the custody of the United States Marshal for confinement in a corrections facility separate, to

the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant McMiller shall be afforded a reasonable opportunity for private consultation with defense counsel.

This the 26th day of January, 2022.

William L. Ostus, Jr.
United States District Judge